

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
                            )  
                            )  
v.                        ) CRIMINAL NO. 04-10288-RWZ  
                            )  
CARLOS ESPINOLA, ET AL. )  
                            )  
                            )

GOVERNMENT'S NOTICE OF INTENT  
TO RELY ON THE TRIAL TESTIMONY OF JOSEPH BALDASSANO

Now comes the United States, by its attorneys, Michael J. Sullivan, United States Attorney, and David G. Tobin, Assistant U.S. Attorney, and hereby provides notice to the Honorable Court that it at the sentencing hearings for Phillip Albert, James Gardner, Jonathan Mitchell, and Joseph Allen, the United States intends to rely upon the testimony of Joseph Baldassano from the joint trial of Carlos Espinola and Joseph Allen. Transcripts of Mr. Baldassano's testimony are available to the defense by contacting the court reporter's office.

The United States gives further notice that it reserves the right to call Mr. Baldassano as a sentencing witness and respectfully moves the Court to allot time for the direct testimony and cross-examination of Mr. Baldassano at all remaining sentencing hearings in this case. The United States anticipates calling Mr. Baldassano as a sentencing witness only in the event that the Court will not accept Mr. Baldassano's trial testimony.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By:/s/David G. Tobin  
DAVID G. TOBIN  
Assistant U.S. Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that **this** document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ David G. Tobin  
**DAVID G. TOBIN**  
Assistant United States Attorney

Date: **July 3, 2006**